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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,404	12/20/2005	Jens Glufke	2002P13946WOUS	8532
7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER PARK, JEONG S	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/529,404

Applicant(s)

GLUFKE ET AL.

Examiner

Jeong S. Park

Art Unit

2154

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/29/2005</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

The specification does not include any necessary headings such as "Background", "Brief Summary", "Description of Drawings" and so on.

Appropriate correction is required.

### ***Claim Objections***

2. Claims 17-19, 26-28, 30 and 31 are objected to because of the following informalities:

In claim 17, line 3, the phrase "the loaded manager" should be corrected as --the loaded network element manager-- for clear understanding of the claim. Similar correction should be made for claims 18, 26, 27, 30 and 31; and

In claim 19, line 3, the word "the manager" should be corrected as --the network element manager-- for clear understanding of the claim. Similar correction should be made for claims 28, 30 and 31.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2)

of such treaty in the English language.

4. Claims 11-18 and 20-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Barker et al. (hereinafter Barker)(U.S. Patent No. 6,363,421 B2).

Regarding claims 11 and 20, Barker teaches as follows:

a method or a device for producing and updating a management system (element management system client 28, network element 14, element management system server 32 in figure 1A) of a telecommunication network (PSTN 33 in figure 1A) element (a method of managing a plurality of network elements of a telecommunications network, see, e.g., col. 3, lines 45-53 and figure 1A), comprising:

creating a network element agent (managed elements 14 in figure 4) and a network element manager (element management system server 32 in figure 4) by a shared generating mechanism from a management interface specification (EMAPI and SNMP)(the element management system client, 28 in figure 4, communicates with the element management system server via an object oriented interface to the element manger API (EMAPI) through CORBA, see, e.g., col. 4, lines 30-36, communications between the element management system and the managed elements is via SNMP, see, e.g., col. 4, lines 43-45 and figure 4);

updating the management system by storing the created network element agent and network element manager (adding new managed objects which are all resources and elements managed in the system, see, e.g., col. 15, lines 34-39);

exchanging a message between the network element (SNMP agent in managed network element 14 in figure 4) and the network element manager (element

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management system server 32 in figure 4) for controlling the network element by the network element manager (the agent communicates with the element management system server using the Internet standard Simple Network Management Protocol (SNMP), see, e.g., col. 32, lines 45-56); and

ensuring that the network element supports the message in accordance with the management interface specification (SNMP) by the network element agent (AP MIB is the data definition shared between the SNMP manager on the element management system server and the SNMP agent resides on the AP, 80 in figure 3, see, e.g., col. 35, lines 23-26), the network element agent (SNMP agent) stored in a network element management unit (interpreted as element management system) of the network element (SNMP mediator, 160 in figure 4, translates between the network element (SNMP) and the element management system server (EMAPI), see, e.g., col. 19, lines 24-30).

Regarding claims 12 and 21, Barker teaches as follows:

the network element manager is stored in a storage unit of a computer (element management system client generates HTTP requests to the element management system server, the server gathers information and sends the results to the web browser for display on the client computer, see, e.g., col. 4, lines 18-26).

Regarding claims 13 and 22, Barker teaches as follows:

the network element manager is stored in the network element management unit (network element manager is stored in the element management system, see, e.g., col. 3, lines 46-53).

Regarding claims 14 and 23, Barker teaches as follows:

the network element manager is stored on a central storage unit (the element management system server hard disk) of the telecommunication network (HTTP web server, 58 in figure 3, retrieves and download HTML pages from the element management system server hard disk, see, e.g., col. 5, lines 26-32).

Regarding claims 15 and 24, Barker teaches as follows:

the network element manager is stored as a JAVA applet (JAVA applets, 44 in figure 2, see, e.g., col. 5, lines 11-23).

Regarding claims 16 and 25, Barker teaches as follows:

the network element manager is executed in a web browser (web browser, 45 in figure 2, see, e.g., col. 5, lines 5-9).

Regarding claims 17, 18, 26 and 27, Barker teaches as follows:

the network element manager is loaded from the network element into a computer (management computer same as element management system client 28 in figure 2) and the network element subsequently managed remotely from the network element by using the loaded manager (the network element manager collects network element information and loads to the management computer for viewing the results via communications network, see, e.g., abstract).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al. (hereinafter Barker)(U.S. Patent No. 6,363,421 B2) as applied to claims 11 and 20 above, and further in view of Land et al. (hereinafter Land)(U.S. Patent No. 7,254,781 B1).

Regarding claims 19 and 28, Barker teaches all the limitations of claim except for forming the management interface specification in the HTML format.

Land teaches as follows:

HTTP and SNMP interface layer exchanges configuration settings in two different protocol formats (see, e.g., col. 7, lines 28-35 and figure 4).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Barker to include exchanging data within two different protocol formats as taught by Land in order to efficiently communicate within a plurality of different protocols in telecommunications network.

Regarding claim 29, Barker teaches as follows:

a network element manager (element management system server 32 in figure 2) for controlling a telecommunication network element (communication between the element management system and the managed elements is via SNMP and SNMP sets are used for command and control, see, e.g., col. 4, lines 37-47), comprising:

a control message (SNMP message) exchanged between the network element and the network element manager (communication between the element management system and the managed elements is via SNMP, see, e.g., col. 4, lines 37-45);

a network element agent (SNMP agent in managed network element 14 in figure

4) operatively connected to the manager (element management system server 32 in figure 4)(the agent communicates with the element management system server using the Internet standard Simple Network Management Protocol (SNMP), see, e.g., col. 32, lines 45-56); and

HTTP Web server(58 in figure 3) processes HTTP requests from the element management system client that retrieve and download HTML pages and Java applets from the element management system server hard disk (see, e.g., col. 5, lines 26-32).

Barker does not teach of forming the management interface specification in the HTML format.

Land teaches as follows:

HTTP and SNMP interface layer exchanges configuration settings in two different protocol formats (see, e.g., col. 7, lines 28-35 and figure 4).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Barker to include exchanging data within two different protocol formats as taught by Land in order to efficiently communicate within a plurality of different protocols in telecommunications network.

Regarding claims 30 and 31, Barker teaches as follows:

the network element manager is loaded from the network element into a computer (management computer same as element management system client 28 in figure 2) and the network element subsequently managed remotely from the network element by using the loaded manager (the network element manager collects network



element information and loads to the management computer for viewing the results remotely via communications network, see, e.g., abstract).

**Conclusion**

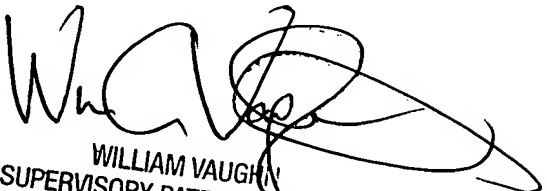
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeong S. Park whose telephone number is 571-270-1597. The examiner can normally be reached on Monday through Thursday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP

August 15, 2007

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100